



August 12, 2020

**Via Federal Express Overnight**

Netflix, Inc.  
100 Winchester Circle  
Los Gatos, CA 95032  
Attn: David Hyman, Esq., General Counsel and Secretary

**Re: *The Wasp Network* / Ana Margarita Martinez  
Pre-Suit Notice Pursuant to Sections 770.01 and  
770.02, Florida Statutes**

Dear Mr. Hyman:

Please be advised that the law firms of Hirzel Dreyfuss & Dempsey, PLLC and Roig & Villareal, PA represent Ana Margarita Martinez (“Ms. Martinez”) with respect to the pursuit of defamation claims against Netflix, Inc. for the false and slanderous portrayal of Ms. Martinez in Netflix’s original film series, *The Wasp Network*. We write in accordance with Section 770.01, Florida Statutes, to notify Netflix<sup>1</sup> that Ms. Martinez intends to initiate litigation against Netflix with respect to this film and in which Ms. Martinez is portrayed, under her own name, by actress Ana de Armas. Notably, Ms. Martinez, one of the characters portrayed in this real-life saga, was never once contacted or consulted on her role in this film.

On June 19, 2020, Netflix first aired *The Wasp Network* on its streaming platform, in which it was improperly asserted as having been “**Based on True Events**”. This assertion, like much of the events depicted in the film, was knowingly and maliciously false. *The Wasp Network* is not based on any non-fiction literature or any other work purporting to depict “true events.” Instead, *The Wasp Network* depicts untruthful and defamatory events from a spy-thriller novel, *The Last Soldiers of the Cold War*, which was written by Fernando Morais (a Brazilian citizen who is an outspoken Marxist and wanton promoter of the dictator Fidel Castro). Morais has consistently promoted and marketed Fidel Castro’s oppressive communistic agenda for decades. Further, *The Wasp Network* was directly influenced by the communist Cuban government in exchange for allowing the movie to be filmed in Cuba. Consistent with Cuba’s communist propaganda, *The Last Soldiers of the Cold War*, and its film adaptation *The Wasp Network*, constitute a deceptive and untruthful account of historical events. By promoting and distributing *The Wasp Network* as one being “Based on

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<sup>1</sup> It is debatable whether Netflix is entitled to pre-suit notice under the Florida Statutes, and accordingly, Ms. Martinez reserves all rights in this regard.

True Events”, Netflix is actively supporting such propaganda while maliciously defaming the real people portrayed in the film.

*The Wasp Network* glorifies certain Cuban spies, referred to as the “Cuban Five,” whose espionage work killed four Americans in 1996, as being based on “True Events”. Significantly, the Americans who were murdered by the Cuban government are left out of the film entirely. While lionizing the so-called Cuban Five, *The Wasp Network* maligns the Cuban exile community in general while also depicting Ms. Martinez, a real Cuban exile, in an extremely defamatory manner.<sup>2</sup> A staggering measure of the “information” that was used to develop her character in the film was entirely fabricated and has no basis in fact to falsely malign Ms. Martinez. The untruthful depiction of Ms. Martinez being a member of a terrorist cell of Cuban exiles is unlawful and has caused extreme harm to Ms. Martinez, her name, and her reputation.

To that end, and as we presume you are aware, the Assembly of the Cuban Resistance has urged Netflix to correct the untruthful and defamatory portrayals of the Cuban exiles in *The Wasp Network* that were untruthfully touted as being “Based on True Events.” Correspondence dated July 30, 2020, addressed to Netflix’s Chief Executive Officer, Wilmot Reed Hastings, informed Netflix that *The Wasp Network* is promoting the Castro regime’s untruthful propaganda. The correspondence further informed Netflix that the film depicts “internationally recognized actors uttering the mantras; the embargo (not the regime) blamed for Cuba’s condition, downplaying the level and reach of the WASP network’s espionage and murder conspiracy, the blanket labeling and portrayal of Cuban exiles as terrorists; attempted justification for crimes proven in a court of law and total disregard for the real victims”. The correspondence lamented that *The Wasp Network* is straight out of the Cuban regime’s playbook and it is ‘now playing’ under the false and slanderous pretense of being “Based on True Events.”

Specific examples of the false and slanderous scenes that appear in *The Wasp Network* are as follows:

- the film falsely imputes on Ms. Martinez sexually immoral or unchaste conduct;
- when Ms. Martinez’s character in the film suspects her husband, the covert Cuban Spy Juan Pablo Roque, of being involved in drug trafficking, she is limited to a pair of emotional outbursts that voice no opinion on the matter.
- the film portrays Ms. Martinez as having a lavish lifestyle paid for by drug money and terrorist activities, including an extravagant wedding reminiscent of the opening scene of “The Godfather” with high-level leaders of the Cuban exile community present.

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<sup>2</sup> Ms. Martinez did not have any involvement with the production of the film and was never consulted regarding the events depicted therein.

- the film conceals the fact that Ms. Martinez was a victim of a pre-meditated crime conceived and implemented with cold-blooded efficiency by an agent of Cuba's Ministry of the Interior; and
- the film imputes Ms. Martinez as having been associated with criminal enterprises.

Given the sheer volume of facts in the public record which directly contradict the manner in which Ms. Martinez was portrayed in *The Wasp Network*, Netflix's marketing and promotion of the film as a truthful account of what occurred is unconscionable.<sup>3</sup> It appears that *The Wasp Network* expressly sought to unlawfully mislead Netflix's viewers into believing that the film's portrayal of Ms. Martinez, as a member of Cuban exile community, was accurate in form or substance. In fact, Netflix's portrayal of Ms. Martinez in *The Wasp Network* is fabricated. When marketing and promoting the film as "Based on True Events," Netflix and its agents knew that the portrayal of Ms. Martinez was false and defamatory. At a minimum, Netflix acted with reckless disregard in wrongfully assailing Ms. Martinez. As a result of Netflix's publication of *The Wasp Network*, which continues to stream on its platform, Netflix has defamed Ms. Martinez. Because the source material for *The Wasp Network* is not non-fiction literature, Netflix must immediately remove false reference to the film being "Based on True Events" and issue a specific retraction thereof in the same place, form, and level of visibility.

In accordance with Section 770.02, Florida Statutes, our firm demands, on behalf of Ms. Martinez, that Netflix issue a "full and fair correction, apology, or retraction" as outlined below. While this will not eliminate the damage that Ms. Martinez has already suffered, and which she will be entitled to receive, it may further mitigate further harm to Ms. Martinez. We therefore demand that Netflix:

1. Issue a public statement correcting the false and defamatory scenes concerning Ms. Martinez that appear in *The Wasp Network* as detailed herein above.
2. Place a prominent and clearly visible disclaimer at the beginning of the film which states that the film is a dramatization, is not a true story, and that the characters identified by their actual names in the film are not truthfully or accurately depicted therein.
3. Categorize *The Wasp Network* on its streaming service as a fictional drama.

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<sup>3</sup> Most notably, the Film disregards the factual record established in various judicial and legislative proceedings, including without limitation:

- i. *Martinez v. Republic of Cuba*, Eleventh Judicial Circuit Court in and for Miami-Dade County, Case No. 99-18208-CA-20;
- ii. US Congressional findings encoded at 22 U.S. Code § 6046, titled "Condemnation of Cuban attack on American aircraft"; and
- iii. *US. v. Hernandez, et al.* U.S. District Court for the Southern District of Florida, Case No. 98-0721-CR.

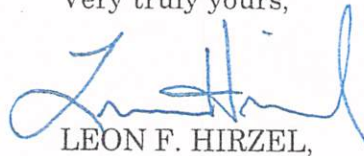
4. Remove all posts on its social media and any other print references which refer to *The Wasp Network* as a true, real, or fact-based story.

We further demand that Netflix initiate a "litigation hold" to preserve all evidence within its possession, custody, or control relating to Ms. Martinez and *The Wasp Network* including, without limitation, draft and final scripts, treatments, teleplays, marketing and promotional materials, research related to any facts or characters portrayed in the film, unedited cuts of the film, outtakes, social media plans, social media posts, documents, communications and electronically stored information such as e-mails, messaging applications, text messages and voice mails. The term "documents" and "communications" should be read in the broadest possible sense. Please be further advised that any alteration, loss, spoliation or destruction of any such documents, whether electronic, digital or in hard copy, may subject you to sanctions in any ensuing legal proceeding.

Please be advised that this communication is without prejudice to, and shall not affect in any manner, the rights, claims, remedies, actions or causes of action which Ms. Martinez has, or may have, against Netflix, in law, in equity, or otherwise.

KINDLY GOVERN YOURSELF ACCORDINGLY.

Very truly yours,



LEON F. HIRZEL,  
HIRZEL DREYFUSS & DEMPSEY, PLLC

and



PEDRO V. ROIG,  
ROIG & VILLAREAL, PA